

भारत का राजपत्र The Gazette of India

असाधारण

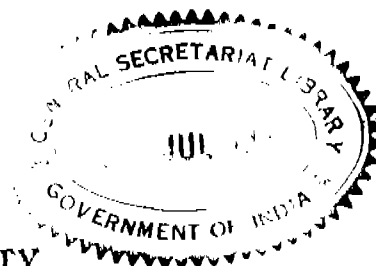
EXTRAORDINARY

भाग II—खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



न० 27] 1 मई बिल्ली, शनिवार, जून 21, 1969/ज्येष्ठ 31, 1891

No. 27] NEW DELHI, SATURDAY, JUNE 21, 1969/JYAISTHA 31, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 21st June, 1969/Jyaistha 31, 1891 (Saka)

THE DADRA AND NAGAR HAVELI EXCISE DUTY
REGULATION, 1969

No. 2 OF 1969

Promulgated by the Vice-President acting as President in the
Twentieth Year of the Republic of India.

A Regulation to provide for the levy of a duty of excise on liquor
and tree tax in the Union territory of Dadra and Nagar Haveli
and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution,
the Vice-President acting as President is pleased to promulgate the
following Regulation made by him:—

1. (1) This Regulation may be called the Dadra and Nagar Haveli
Excise Duty Regulation, 1969.

(2) It extends to the whole of the Union territory of Dadra and Nagar
Haveli.

(3) It shall come into force on such date as the Administrator may, by
notification, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(b) "beer" includes ale, stout, porter and any other fermented liquor usually made from malt;

(c) "to bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or similar receptacle for the purpose of sale, whether any process of manufacture or rectification be employed or not, and includes rebottling;

(d) "Commissioner" means the Commissioner appointed under sub-section (1) of section 3;

(e) "country liquor" means liquor manufactured in any part of India other than foreign liquor;

(f) "denatured" means effectually and permanently rendered unfit for human consumption;

(g) "duty" means the duty of excise imposed by or under this Regulation in any of the ways indicated in section 13, and in the case of imports, the countervailing duty mentioned in entry 51 of List II in the Seventh Schedule to the Constitution;

(h) "Excise Officer" means the Commissioner or any other officer appointed under sub-section (1) of section 3;

(i) "export" means taking out of the territory to any place in India beyond the limits of the territory;

(j) "foreign liquor" means beer, brandy, whisky, gin, rum, milk punch, wines and such other liquor as may, by notification be declared by the Administrator, as foreign liquor for the purposes of this Regulation;

(k) "import" means bringing into the territory from any place in India beyond the limits of the territory;

(l) "liquor" includes spirits of wine, methylated or denatured spirits, spirits, wines, toddy, beer, feni and all liquids consisting of or containing alcohol other than medicinal and toilet preparations;

(m) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor is produced, prepared or blended and also every process for the rectification or redistillation of liquor;

(n) "notification" means a notification published in the Official Gazette;

(o) "place" includes a house, building, shop, tent, vehicle, vessel, boat, raft or enclosure;

(p) "prescribed" means prescribed by rules made under this Regulation;

(q) "proof litre" means a litre of a mixture of ethyl alcohol and distilled water which at the temperature of 10·5 degrees Centigrade weighs exactly twelve-thirteenths (12/13) parts of an equal measure of distilled water at the same temperature;

(r) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(s) "sale" with its grammatical variations and cognate expressions includes every transfer otherwise than by way of gift;

(t) "spirits" means any liquor containing alcohol and obtained by distillation, whether it is denatured or not;

(u) "territory" means the Union territory of Dadra and Nagar Haveli;

(v) "toddy" means fermented or unfermented juice drawn from coconut, khajure, date or any kind of palm tree;

(w) "transport" means to move from one place to another within the territory.

3. (1) For the purpose of implementing the provisions of this Regulation, the Administrator may appoint a Commissioner and such other Excise Officers as may be considered necessary.

Appointment of Excise Officers and delegation of powers.

(2) The Administrator may delegate to the Commissioner all or any of his powers under this Regulation.

(3) The Commissioner may, subject to the approval of the Administrator, delegate to any other Excise Officer appointed under sub-section (1) all or any of his powers under this Regulation.

4. No liquor shall be imported into or exported from the territory except on the authority of a permit issued by the Commissioner indicating that the duty, if any, imposed by or under this Regulation has been paid or a bond has been executed for the payment thereof in the prescribed form and manner.

Import and export of liquor.

5. No liquor, exceeding such quantity as the Administrator may, from time to time, prescribe by notification either for the whole of the territory or for any local area thereof, shall be transported within the territory except on the authority of a permit issued by the Commissioner and in accordance with the conditions, if any, specified therein:

Transport of liquor.

Provided that unless the Administrator by notification otherwise directs with respect to any local area, no such permit shall be required when foreign liquor is transported for genuine private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Regulation.

Removal of
liquor from
distillery,
etc.

6. No liquor shall be removed from any distillery, brewery, pot still, warehouse or other place of storage established or licensed under this Regulation unless the duty, if any, payable under this Regulation has been paid or unless a bond has been executed for the payment thereof in the prescribed form and manner.

Manufacture
of liquor.

7. (1) No liquor shall be manufactured or produced or bottled, no tree shall be tapped for toddy and no juice shall be drawn from any tree or from cashew fruit except under the authority of a licence issued under this Regulation.

(2) No person shall use, keep or have in his possession any material, still, utensil, implement or apparatus for the purpose of manufacturing any liquor and no distillery, brewery or pot still shall be constructed or worked, save under the authority of a licence issued under this Regulation.

Possession
of and
transactions
in liquor

8. (1) No person, not being a licensed manufacturer or dealer of liquor, shall have in his possession liquor in excess of such quantity as the Administrator may, by notification, prescribe, except under the authority of a permit issued by the Commissioner and in accordance with the conditions, if any, specified therein.

(2) Every dealer or vendor of liquor shall maintain a full account of his transactions in liquor in the prescribed form.

Sale of
liquor.

9. No liquor shall be sold except under the authority of a licence issued under this Regulation:

Provided that the Administrator may, by notification, direct that a licence for sale granted under any other law for the time being in force in the territory may, subject to such conditions as may be specified in the notification, be deemed to be a licence granted under this Regulation.

Prohibition
of transport
of liquor.

10. The Administrator may, by notification, prohibit the transport of liquor.

Establish-
ment of dis-
tilleries and
warehouses.

11. The Commissioner may, with the previous approval of the Administrator,—

(a) establish a public distillery, or authorise the establishment of one or more private distilleries, in which liquor may be manufactured under a licence granted under this Regulation;

(b) establish a public warehouse, or authorise the establishment of one or more private warehouses, wherein liquor may be deposited and kept without payment of duty; and

(c) discontinue any public or private distillery or any public or private warehouse so established:

Provided that no private distillery or private warehouse shall be discontinued except after giving a reasonable opportunity to the persons concerned for making any representations against such discontinuance and after considering the representation, if any, received.

12. There shall be levied and collected, at such rates and in such manner as may be prescribed by or under this Regulation, not exceeding the rates set forth in Parts A and B of the Schedule, a duty of excise on all liquor manufactured in, or brought into, the territory: Levy of duty.

Provided that no such duty shall be levied on toddy when used for the manufacture of jaggery, vinegar, yeast or neera or when drunk as such.

13. The duty on liquor leviable under this Regulation may be levied in one or more of the following ways, namely:— Mode of levy.

(a) by way of a duty on the quantity of liquor manufactured in or passed out of any place of manufacture or storage including a distillery, brewery or warehouse licensed or established under this Regulation; and

(b) by way of a duty on the quantity of liquor imported in the territory.

14. (1) There shall be levied on each tree from which toddy is drawn a tax at the rates specified in Part D of the Schedule and the tax so levied shall be collected in the manner prescribed. Recovery of tree tax.

(2) When any tax is levied on a tree under sub-section (1) the licence under section 7 shall be granted to a person other than the owner of such tree only on production of the written consent of such owner to the grant of the licence.

(3) When any tax is due in respect of any tree, it shall be recoverable from the tapper or in default by him, where the tree is tapped without a licence under this Regulation, from the owner or occupier of the land, unless he proves that the tree was tapped without his consent.

Explanation.—In this section, the expression "owner" includes a person in possession.

15. Every licence or permit under this Regulation shall be granted.— Grant of licences or permits.

(a) by such officer,

(b) for such period,

(c) subject to such conditions or restrictions, and

(d) in such form and with such particulars,

as may be prescribed by or under this Regulation and on payment of the fees specified in Part C of the Schedule.

16. (1) A licence or permit granted under this Regulation may be cancelled by the Commissioner for good and sufficient reasons to be recorded in writing. Power to cancel licences.

(2) In particular and without prejudice to the generality of the foregoing power, the Commissioner may cancel or suspend any licence or permit granted under this Regulation,—

(a) if any fee or duty payable by the holder thereof be not duly paid; or

(b) if there is any breach by the holder of such licence or permit, or by his servants, or by any one acting with his express or implied consent on his behalf, of any of the terms or conditions of such licence or permit or of the terms of any agreement executed under section 17; or

(c) if the holder thereof is punished for any offence against this Regulation, or of any cognizable or non-bailable offence; or

(d) if the conditions of the licence or permit provide for such cancellation or suspension.

(3) No licence or permit shall be cancelled under this section except after giving a reasonable opportunity to the holder of the permit or licence for making any representations against such cancellation and after considering the representation, if any, received.

(4) The holder of a licence or permit shall not be entitled to any compensation for the cancellation or suspension thereof under this section nor to a refund of any fee paid or deposit made in respect thereof.

Agreement.

17. Every person taking out a licence under this Regulation may be required to execute an agreement in conformity with the tenor of his licence and in the form prescribed, and to give such security, if any, for the performance of his agreement as may be prescribed.

Measures,
weights and
testing ins-
truments.

18. Every person who manufactures or sells any liquor shall—

(a) equip himself with such measures, weights and instruments as the Commissioner may require and keep the same in good condition; and

(b) on the requisition of any Excise Officer duly empowered in that behalf, at any time measure, weigh or test any liquor in his possession in such manner as such Officer may require.

Prohibition
of sale, etc.,
to certain
persons.

19. No licensed vendor and no person in the employ of a vendor and acting on his behalf shall sell or deliver any liquor—

(a) to any person apparently under the age of 18 years, or

(b) to any person of unsound mind.

Recovery of
sums due
to Govern-
ment.

20. In respect of any duty and other sums of any kind payable to the Government under any of the provisions of this Regulation or of the rules made thereunder, the Excise Officer empowered to levy such duty or require the payment of such sums may deduct the amount so payable from any money owing to the person from whom such sums may be recoverable or due which may be in his hands or under his disposal or control, or may recover the amount by attachment and sale of excisable goods belonging to such person; and if the amount payable is not so recovered he may prepare a certificate signed by him specifying the amount due from the person liable to pay the same and send it to the appropriate officer for the time being authorised by law to recover arrears

of land revenue and having jurisdiction over the place in which such person resides or conducts his business and the said officer, on receipt of such certificate, shall proceed to recover from the said person the amount specified therein as if it were an arrear of land revenue.

Explanation.—For the purposes of this section, “excisable goods” means liquor on which duty is leviable under this Regulation and includes the container thereof.

21. (1) Every stockist, dealer or vendor of liquor shall give a declaration in writing to the Commissioner or an officer nominated by him in this behalf, containing detailed particulars and account of the various categories of liquor in his possession or control on the date of coming into force of this Regulation. Transitional.

(2) No such liquor shall be sold by any such stockist, dealer or vendor of liquor except on payment of duty equal in amount to that leviable on liquor of a like kind if manufactured in, or, as the case may be, imported into, the territory after the commencement of this Regulation and on the grant of permission to sell the same by the Commissioner or his nominee.

(3) The Commissioner may permit the sale of the whole or part of any such stock of liquor on the deposit of a suitable amount pending the payment of the duty leviable or on executing a bond therefor in the form and manner prescribed.

22. (1) The Administrator may make rules generally for the purpose of carrying into effect the provisions of this Regulation. Power of Administrator to make rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for,—

- (a) regulating the delegation of any power by the Commissioner;
- (b) defining the powers and duties of officers of the Excise Department;
- (c) regulating the extraction and distillation of toddy and its sale to licensed vendors;
- (d) regulating the extraction of cashew juice, the price to be charged for its sale, the distillation of liquor therefrom and its sale;
- (e) regulating the import, export, transport or possession of any liquor;
- (f) prescribing the mode of, and conditions for, the grant of licence to manufacture or sell liquor by wholesale or by retail, including conditions as to the period of validity of the licence, areas in which it is valid and the procedure to be followed before its grant;
- (g) the prohibition of sale of any liquor to such persons or class of persons in such circumstances as may be specified;
- (h) the prohibition of the employment by the licensee of such persons or class of persons as may be specified, to assist in his business in such capacity as may be specified;
- (i) the prevention of drunkenness, gambling or disorderly conduct in or near any licensed premises and the assembly of persons of bad character in such premises;

(j) regulating the deposit of any liquor in a warehouse and its removal therefrom or from any distillery, pot still or brewery;

(k) prescribing the manner of levying or computing the fees payable in respect of any licence or permit, or in respect of storage of any liquor;

(l) regulating the time, place and manner of payment of any duty or fee;

(m) prescribing the restrictions and conditions subject to which any licence or permit may be granted;

(n) fixing the days and hours during which any licensed premises may or may not be kept open, and regulating the closure of such premises on special occasions;

(o) regulating the form of accounts to be maintained and the returns to be submitted by licensees;

(p) declaring the process by which spirits manufactured in India shall be denatured and for causing such spirit to be denatured through the agency or under the supervision of Excise Officers;

(q) providing for the destruction or other disposal of any liquor deemed to be unfit for use; and

(r) regulating the disposal of articles confiscated and the sale proceeds thereof.

Power to enter and inspect place of manufacture and sale.

23. The Commissioner or any Excise Officer not below such rank as may be prescribed, may—

(a) enter and inspect at any time by day or by night any place in which any licensed manufacturer carries on the manufacture of or stores any liquor:

Provided that no Excise Officer other than the Commissioner shall so enter or search any residential premises unless he is accompanied by two respectable persons of the locality;

(b) enter and inspect at any time within the hours during which sale is permitted and at any other time during which the same may be open, any place in which any liquor is kept for sale by any person holding a licence under this Regulation;

(c) examine any book, account, or register or examine, test, measure or weigh any materials, stills, utensils, implements, apparatus or liquor found in any such place as is referred to in clauses (a) and (b); and

(d) seize any measures, weights or testing instruments which he has reason to believe to be false.

Power of certain officers to investigate into offences.

24. (1) Any officer of the Excise Department not below such rank as may be prescribed may investigate into any offence punishable under this Regulation committed within the limits of the area in which such officer exercises jurisdiction.

(2) Any such officer may exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in respect of an investigation into a cognizable case under the provisions of the Code of Criminal Procedure, 1898 and, if specially empowered in that

behalf by the Administrator, such officer may, for reasons to be recorded by him in writing, stop further proceedings against any person concerned in any such offence into which he has investigated.

25. (1) Subject to such restrictions as may be prescribed, any officer of the Excise, Police, Forest or Land Revenue Department not below such rank as may be prescribed, and any other person duly authorised in this behalf by the Administrator may seize and detain any liquor or other article which he has reason to believe to be liable to confiscation under this Regulation and may search any person, vessel, raft, vehicle, animal, package, receptacle or covering upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor or article to be or to be concealed.

Power of seizure and detention.

(2) Where, as a result of such search, no liquor or other article is actually found to be concealed on such person, vessel, raft, vehicle, animal, package, receptacle or covering, a certificate to that effect shall be given in the prescribed form by the officer to the person concerned.

26. If any magistrate upon information given by any Excise or Police Officer or any other person has reason to believe that an offence under this Regulation has been, is being, or is likely to be committed, he may, after recording the information in writing signed by the informant, issue a warrant for the search of any place in which he has reason to believe that any liquor or any utensil, implement, apparatus or materials, in respect of which such offence has been, is being, or is likely to be committed, is kept or concealed.

Search warrants.

27. (1) Whenever an officer of the Excise Department, not below such rank as may be prescribed, has reason to believe that an offence punishable under this Regulation has been, is being, or is likely to be committed in any place and that a search warrant cannot be obtained without affording the offender an opportunity of concealing evidence of the offence, he may after recording his reasons and grounds of his belief, at any time, by day or night, enter and search such place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Regulation:

Power of Excise Officer to search without warrant.

Provided that no search shall be made during the hours from 7 P.M. to 7 A.M. save in exceptional circumstances and with the previous approval of the Commissioner.

(2) Any such officer may arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Regulation:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a magistrate or an Excise Officer.

28. Every officer of the Police, and Land Revenue Department shall be bound to give immediate information to an officer of the Excise Department of any breach of any of the provisions of this Regulation which may come to his knowledge, and to aid any officer of the Excise Department in carrying out the provisions of this Regulation upon request made by such officer.

Duty of officers of certain Departments to report offences and to assist Excise Officers.

Duty of officer in charge of police station to take charge of articles seized.

29. (1) Every officer in charge of a police station shall take charge of and keep in safe custody, pending the orders of a magistrate or the Commissioner or an Excise Officer duly empowered in that behalf, all articles seized under this Regulation which may be delivered to him; and shall allow any officer of the Excise Department who may accompany such articles to the police station or may be deputed for the purpose by his superior officer, to affix his seal to such articles, and to take samples of or from them.

(2) All samples taken under sub-section (1) shall also be sealed with the seal of the officer in charge of the police station.

Powers of certain officers to close liquor shops.

30. (1) It shall be lawful for the district magistrate or a sub-divisional magistrate by notice in writing to the holder of a licence or his agent to require that any shop in which liquor is sold shall be closed at such time or for such period as he may think necessary for the preservation of the public peace.

(2) If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any magistrate or for any police officer not below the rank of Inspector who is present, to require such shop to be kept closed for such period as may be necessary:

Provided, however, that when any such order is passed by a police officer, he shall, within twenty-four hours, report the fact to the sub-divisional magistrate or the district magistrate and shall thereafter, abide by such directions as the magistrate may give in this regard.

Penalty for contravention of provisions.

31. Whoever, in contravention of this Regulation or of any rules or order made thereunder, or of the conditions specified in any licence or permit obtained under this Regulation,—

(a) imports, exports, transports or possesses liquor; or

(b) manufactures, produces or bottles liquor; or

(c) constructs or works any distillery, brewery or pot still; or

(d) uses, keeps, or has in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing liquor; or

(e) sells liquor; or

(f) draws toddy from any tree.

shall be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.

Penalty for certain acts or omissions by holders of licence.

32. Whoever, being the holder of a licence or permit granted under this Regulation or being in the employ of such holder and acting on his behalf,—

(a) fails to produce such licence or permit on demand by any Excise Officer or any other officer duly empowered to make such demand; or

(b) wilfully does or omits to do anything in breach of any of the conditions of his licence or permit not otherwise provided for in this Regulation; or

(c) wilfully contravenes any rule made under section 22; or

(d) permits drunkenness, disorderly conduct, riot or gambling in any place in which any liquor is sold or manufactured; or

(e) permits persons of notoriously bad character to meet or remain in any such place,

shall be punished for each such offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

33. Whoever, being the holder of a licence for the sale or manufacture of liquor under this Regulation, or being in the employ of such holder acting on his behalf,—

Penalty for certain acts by holders of licence for sale or manufacture.

(a) mixes or permits to be mixed with the liquor sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength; or

(b) sells or exposes for sale as foreign liquor which he knows or has reason to believe to be country liquor; or

(c) marks any bottle or its cork, or any case, package or other receptacle containing liquor manufactured from rectified spirit or country liquor with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor,

shall be punished for each such offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

34. Whoever, without lawful authority, has in his possession any quantity of liquor knowing the same to have been unlawfully imported, transported or manufactured, or knowing that the prescribed duty has not been paid thereon, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for possession of contraband liquor.

35. (1) Any Excise Officer or other person exercising powers under this Regulation, or the rules made thereunder, who—

Vexatious search, seizure, etc., by officers.

(a) without reasonable ground of suspicion searches or causes to be searched any place; or

(b) vexatiously and unnecessarily detains, seizes or arrests any person; or

(c) vexatiously and unnecessarily seizes the movable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Regulation; or

(d) commits, as such officer, any other act to the injury of any person, without having reason to believe, that such act is required for the execution of his duty,

shall be punished for each such offence with fine which may extend to two thousand rupees.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Regulation shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Penalties for offences not otherwise provided for.

36. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Regulation, or of any rules or order made thereunder, and not otherwise provided for therein, shall be punished for each such act or omission with fine which may extend to one thousand rupees.

Punishment for attempt to commit offences.

37. Whoever attempts to commit an offence punishable under this Regulation, or to cause such an offence to be committed, and in such attempt does any act towards the commission of such offence, shall be punishable,—

(a) where the offence is punishable with fine only, with such fine as is provided for the offence, or

(b) where the offence is punishable with both imprisonment and fine, with imprisonment for a term which may extend to one-half of the longest term of imprisonment provided for such offence and also with such fine as is provided for the offence.

Presumption as to commission of offence in certain cases.

38. In every prosecution for an offence punishable under this Regulation, it shall be presumed until the contrary is proved, that the accused person has committed such offence in respect of any liquor, or any still, utensil, implement, or apparatus whatsoever for the manufacture of liquor or any such materials as are ordinarily used in the manufacture of liquor, for the possession of which he is unable to account satisfactorily; and the holder of a licence or permit under this Regulation shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf as if he had himself committed the same, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

Cognizance of offences.

39. (1) No Court shall take cognizance of an offence under this Regulation or the rules made thereunder, other than an offence under section 35, except on complaint made by the Commissioner or any other officer authorised by him either generally or specially in writing.

(2) No Court inferior to that of a magistrate of the first class shall try any offence under this Regulation or the rules made thereunder.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence under this Regulation may be tried summarily.

Confiscation.

40. (1) In any case in which an offence has been committed under this Regulation, the liquor, materials, still, utensil, implement or apparatus in respect or by means of which such offence has been committed shall be liable to confiscation.

(2) Any liquor lawfully imported, exported, transported, manufactured, held in possession or sold along with, or in addition to, any liquor liable to confiscation under this section, and the receptacles, packages and coverings in which any such liquor, materials, still, utensil, implement or apparatus as aforesaid is or are found, and the other contents, if any, of the

receptacles or packages in which the same is or are found, and the animals, carts, vessels or other conveyances used in carrying the same, shall likewise be liable to confiscation:

Provided that no such animal, cart, vessel, or other conveyances shall be so liable to confiscation if the owner thereof, is not the owner of the articles thereby removed and establishes that he had no reason to believe that such offence was being or was likely to be committed.

(3) When anything mentioned in sub-sections (1) and (2) is found in circumstances which afford reason to believe that an offence under this Regulation has been committed in respect or by means thereof, or when such offence has been committed and the offender is not known or cannot be found, the Commissioner may order confiscation of the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing the thing or animal in question or without hearing the person, if any, claiming any right thereto, and considering the evidence, if any, which he produces in support of the claim:

Provided further that if the thing in question is liable to speedy and natural decay, or if the Commissioner is of the opinion that the sale of the thing or animal in question would be for the benefit of its owner, he may at any time direct it to be sold; and the provisions of this section shall, so far as may be, apply to the net proceeds of such sale.

(4) When anything is confiscated under sub-section (1) or under sub-section (2), it shall thereupon vest in the Government.

41. In every case in which, under this Regulation, anything is liable to confiscation and penalty, such confiscation and penalty may be ordered,—

Limit of
confiscation.

(a) without limit by the Commissioner, or

(b) up to confiscation of goods not exceeding five hundred rupees and imposition of penalty not exceeding fifty rupees by such other Excise Officers as the Administrator may, from time to time, empower in that behalf.

42. (1) Whenever confiscation is authorised by this Regulation, the officer ordering the same may give the owner of the goods an option to pay in lieu of confiscation such fine as the officer thinks fit:

Fine in lieu
of confisca-
tion.

Provided that such fine shall not exceed the market price of the goods confiscated less, in the case of imported goods, the duty chargeable thereon.

(2) Payment of the fine does not absolve the owner of the goods from the payment of duties and other charges prescribed in this Regulation.

43. (1) Subject to such conditions, if any, as may be prescribed, the Commissioner may accept from any person alleged to have committed an offence under this Regulation or any rules made thereunder other than an offence under section 35, either before or after the commencement of any proceedings against such person in respect of such offence, by way of composition for such offence, a sum not exceeding two thousand rupees.

Power of
Commissioner
to compound
offences.

(2) When compounding of an offence is accepted the power to confiscate the goods seized under this Regulation in respect of such offence shall be vested in the Commissioner.

(3) On payment in full of such sum as may be determined by the Commissioner under sub-section (1),—

(a) no proceedings shall be commenced against such person as aforesaid; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with.

Appeals.

44. (1) Any person deeming himself aggrieved by any decision or order passed by any Excise Officer under this Regulation or the rules made thereunder may, within ninety days from the date of such decision or order, appeal therefrom to the Commissioner or where the decision or order was passed by the Commissioner, to the Administrator and the Commissioner or the Administrator, as the case may be, may, after making such inquiry and after giving the aggrieved party a reasonable opportunity of being heard in the matter, confirm, alter or annul the decision or order appealed against:

Provided that no such order in appeal shall have the effect of subjecting any person to any greater confiscation or penalty than has been adjudged against him in the original decision or order.

(2) Every order passed in appeal under this section shall, subject to the power of revision conferred by section 45, be final.

Revision by Administrator.

45. The Administrator may, on the application of any person aggrieved by any decision or order passed under this Regulation, or the rules made thereunder, by any Excise Officer or by the Commissioner and from which no appeal lies, reverse or modify such decision or order.

Exemptions.

46. (1) Where in the opinion of the Administrator reasonable grounds exist for doing so, the Administrator may, by notification and subject to such conditions and restrictions as he may impose, exempt any person or class of persons or any liquor from all or any of the provisions of this Regulation or the rules made thereunder either throughout the territory or in any specified part thereof or for any specified period or occasion.

(2) For the removal of doubts it is hereby declared that nothing in this Regulation shall apply to the import, export, possession or transport of liquor or other articles dealt with by any law relating to Customs or Central Excise.

Publication of rules and notifications.

47. All rules made and notifications issued under this Regulation shall be published in the Official Gazette and shall thereupon have effect from the date of such publication or from such other date as may be specified in that behalf.

Bar of certain suits.

48. (1) No suit shall lie in any civil court against the Government or any officer of Government for damages for any act in good faith done or intended to be done under this Regulation.

(2) No civil court shall try any suit which may lawfully be brought against the Government in respect of anything done or alleged to be done under this Regulation unless the suit is instituted within one hundred and eighty days from the date of commission of the act complained of.

49. (1) On the commencement of this Regulation, the Abkari Act, 1956 shall stand repealed. Repeal and savings.

10 of 1897. (2) The provisions of the General Clauses Act, 1897, shall apply to the repeal under sub-section (1) as if the law referred to therein were a Central Act.

(3) Anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted) under the Abkari Act, 1956 shall be deemed to have been done or taken under the corresponding provision of this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Regulation.

50. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator, may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty: Power to remove difficulties

Provided that no such order shall be made after the expiration of three years from the commencement of this Regulation.

THE SCHEDULE

(See sections 12, 14 and 15)

PART A

Rates of duty on liquor manufactured in or passed out of any place of manufacture or storage including a distillery, brewery or warehouse licensed or established under this Regulation:

	Rs. Ps.
(1) Foreign liquor other than milk punch, wines and beer	9-00 per proof litre.
(2) Milk punch and wines	4-00 per bulk litre.
(3) Beer	0-75 per bulk litre.
(4) Country liquor	1-00 per proof litre.
(5) Rectified spirit or absolute alcohol except when used for manufacture of liquor or for medical purposes	0-50 per proof litre.
(6) For blending of country liquor.	0-50 per bulk litre in addition to the duty on manufacture.

PART B

Rates of countervailing duty on liquor imported into the territory:

Such amount as represents the difference, if any, between the duty leviable under this Regulation on the quantity of liquor imported, had it been manufactured in the territory and the duty actually levied on the same quantity of similar goods produced at the place of manufacture.

PART C

Rates of fees on licences per year:

I.—Manufacture:—

- | | |
|--|---------------------|
| (1) For manufacturing foreign liquor other than beer | Rs. 500/-. |
| (2) For manufacturing beer | Rs. 350/-. |
| (3) For manufacturing rectified spirit or absolute alcohol or both | Rs. 200/-. |
| (4) For manufacturing country liquor | Rs. 13/- per still. |
| (5) For blending of country liquor | Rs. 150/-. |
| (6) For bottling of foreign liquor | Rs. 100/-. |
| (7) For bottling of country liquor | Rs. 50/-. |

II.—Sale:—

- | | |
|---|------------|
| (1) For wholesale vendors of liquor | Rs. 500/-. |
| (2) For retail vendors of liquor | Rs. 200/-. |
| (3) For wholesale vendors of rectified spirit or absolute alcohol or denatured spirit | Rs. 200/-. |
| (4) For retail vendors of rectified spirit or absolute alcohol or denatured spirit | Rs. 50/-. |

III.—Import and export:—

- | | |
|-------------------------------------|-----------|
| (1) For wholesale vendors of liquor | Rs. 10/-. |
| liquor | |

IV.—Miscellaneous:—

- (1) For retail vendors of liquor for keeping the shops open up to two hours after the prescribed time of closing: a surcharge of 50% of the licence fee.
- (2) For an occasional licence for retail vendors of liquor: First day Rs. 10/-, next 4 days Rs. 6/- per day, next 15 days Rs. 4/- per day, next 40 days Rs. 2.50 per day and next 60 days Rs. 1.50 per day.

PART D

Tree tax per tree per year:

Coconut tree and palm tree	Rs. 10/-.
Khajure tree and date tree	Rs. 7/-.

V. V. GIRI,
*Vice-President,
acting as President.*

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

ERRATA

In the Finance Act, 1968 (19 of 1968) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 11th May, 1968,—

Page 204

In the marginal heading to section 4, for "section" read "section".

Page 221

- (i) In line 5 omit "in-".
- (ii) In line 12, after "POWER" insert ",".

Page 222

In line 41, after "STEEL" insert ",".

Page 228

- (i) In line 34, for "od" read "or".
- (ii) In line 35, for "famiy" read "family".

Page 230

- (i) In the margin against line 2, for "52 of 1962". read "52 of 1963".
- (ii) In line 30, after "computed" insert "in".

Page 231

- (i) In line 16, for "ths" read "the".
- (ii) In line 27, for ";" read ":".

Page 234

- (i) For page No. "334" read "234".
- (ii) In line 35, after "income" insert ",".

Page 243

In line 13, for "wihout" read "without".

Page 254

In penultimate line, for "attachmc" read "attachments".

In the Laccadive, Minicoy and Amindivi Islands (Computation of Period of Limitation for Suits and other Proceedings) Regulation, 1969 (1 of 1969) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 24th February, 1969, at page 39 in the margin against Preamble, omit "Republic".

